

In re Application of: Elan ZIV
Serial No.: 10/598,872
Filed: May 18, 2007
Office Action Mailing Date: 29 April 2010

Examiner: Catherine E. Burk
Group Art Unit: 3735
Attorney Docket: 34061
Confirmation No.: 1651

REMARKS:

The application contains claims 1-16 and 18-36 claims of which claims 1, 8, 16, 18, 23, 26 and 30 are currently amended (claim 8 to add a missing space). Claim 17 is canceled herewith and claims 32-37 are new claims.

Applicants thank the Examiner for the telephonic interview at which were discussed the issues of technical feature and species election. In addition, the Examiner provided some comments regarding the interpretation of the claims and the claims were amended accordingly.

With regard to the lack of unity rejection, applicants have amended the claim set so all apparatus claims depend on claim 1. Claim 26, the method claim, including claims 30-31 has been amended to include all the recitations of claim 1. It is thus believed that there is no unity problem. To the extent such a problem still exists, applicants choose the apparatus claims, namely Group I, claims 1-16, 18-25 and 30-36.

With regard to the requirement to select a species, applicants select species a (claims 1-15), with traverse. First, applicants have amended claims 16 and 23 (the other two species) to depend on claim 1. In addition, applicants assert that species a is generic to the other species, i.e. each of species b and c suggests an additional features to that shown in Figs. 1A-2D. To the extent that an election is still required between these two species, applicants elect species b (species a being generic), namely claims 16, and 18-22.

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Applicant asserts that at least claims 1-15 and 30-35 are generic to all three species a, b and c.

New claims 32-36 belong to species a.

New claim 37 is dependent on method claim 26.

Claim 1 has been amended to clarify what was implicit before, that the claimed apparatus is an intra-vaginal insert, and not an implant.

Claim 18 has been amended to further describe the function of urethral support.

Prior to mailing of the Examiner's next Official Action, the Examiner and his Supervisor are invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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